REMARKS

This application has been reviewed in light of the Office Action mailed on December 2, 2004. Claims 1-20 are pending in the application. Claims 1, 6, 10 and 20 being in independent form. By the present amendment, Claims 21-24 have been added. No new matter or issues are believed to be introduced by the amendments.

(1) In the Office Action, Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. (6,603,971 B1) issued to Mohebbi in view of U.S. Patent No. (6,373,823 B1) issued to Chen et al (hereinafter "Chen"). These claims are deemed to be patentable for at least the reasons given below.

A key feature of the invention, as recited in Claim 1, is directed to having physical control channels arranged for the bidirectional transmission of sets of control information between a secondary station (i.e., MS) a plurality of primary stations (i.e., base stations). Whereby the physical control channels are individually adjusted by respective closed-loop power control means. This feature overcomes drawbacks of the prior art. Specifically, as recited on pages 1 and 2 of the specification, when an MS is in dedicated channel mode, and there are multiple BSs in the active set, the MS is in so-called "soft-handover" with the BSs in the active set. In this mode, uplink transmitssions are received by all BSs in the active set, and all BSs in the active set transmit substantially the same downlink information to the MS. Typically data and control information transmitted to the MS is the same, however, power control commands could be different from the different BSs in the active set. A drawback of this "soft handover" approach is that the uplink and downlink transmission powers cannot be optimized for each individual radio link, as only one set of power control commands is transmitted in the uplink, while the power

control commands transmitted over the downlink from different BSs may result in conflicting requirements for the uplink transmission power. Having physical control channels arranged for the bidirectional transmission of sets of control information between a secondary station (i.e., MS) a plurality of primary stations (i.e., base stations), whereby the physical control channels are individually adjusted by respective closed-loop power control means overcomes this drawback.

In the Office Action, the Examiner asserts that Mohebbi teaches a radio communication system having physical control channels arranged for the bi-directional transmission of sets of control information between a secondary station and a plurality of primary stations. The Examiner further asserts that Chen teaches closed-loop power control means provided for adjusting individually the power of some or all physical control channels, or parts thereof, to which a set of control information is mapped.

Chen is cited for curing a deficiency in Mohebbi. Specifically, Chen is cited for teaching closed-loop power control means provided for adjusting individually the power of some or all physical control channels, or parts thereof, to which a set of control information is mapped.

As argued in Applicant's previous response, the power control taught in Chen is directed to a single MS communicating with a single base station BS. For example, Fig. 1 clearly shows a single base station 1 communicating with a single mobile station MS 7. Further evidence is provided in Claim 1 of Chen which recites the control of transmission energy from a single remote transmitter. As such, Chen cannot teach *closed-loop power control means provided for adjusting individually the power of some or all physical control channels, or parts thereof, to which a set of control information is mapped*, as alleged by the Examiner.

It is respectfully submitted that at least the limitations and/or features of Claim 1 described above, are not disclosed or suggested by Chen and Mohebbi, alone, and in combination.

Accordingly, applicant respectfully request withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 1 and allowance thereof is respectfully requested.

Claims 2-5 depend from independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 2-5 are believed to be allowable over Chen and Mohebbi, alone, and in combination.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 2-5 is respectfully requested.

Claims 6, 10 and 20 recite features which are found in Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 6, 10 and 20 are believed to be allowable over the cited references, alone and in combination.

Additionally, Claims 7 and 11-19 depend from independent Claims 6 and 10, respectively, and therefore contain the limitations of Claims 6 and 10. Hence, for at least the same reasons given for Claim 6 and 10, Claims 7 and 11-19 are believed to be allowable over the cited references, alone and in combination. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 6-7 and 10-20 and allowance thereof are respectfully requested.

Applicant appreciates the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on January 27, 2005. During the interview, the following issues were raised with regard to Claim 1. Applicant's attorney maintained that the cited references, alone and in combination, do not teach the key feature of

Claim 1, as discussed above. The Examiner stated that the references operate in a WCDMA system, and the key feature, discussed above, was well known in such WCDMA systems. Applicant was unaware of any such teachings in the prior art. Without conceding that such a feature was well known, Applicant's attorney thereafter proposed an amendment to claim 1 that is believed to make Claim 1 patentable over the cited references.

> 1. (Proposed Amendment) A radio communication system having physical control channels arranged for the bi-directional transmission of sets of control information between a secondary station and a plurality of primary stations, and at least one data channel between one or more primary stations, selected from the plurality of primary stations, and the secondary station for the transmission of data from the or each selected primary station to the secondary station, wherein respective closed-loop power control means are provided for adjusting individually the power of some or all physical control channels, or parts thereof, to which a set of control information is mapped, **also wherein respective fast cell selection means are provided for selecting an optimum primary station from a plurality of primary stations based on said selected primary station having a lowest transmit power**.

The proposed amendment to Claim 1 is directed to the rapid selection of an optimum primary station (i.e., BS) at any moment from among the plurality of BSs in the active set. The Examiner agreed that the cited references do not teach this feature and as such, the proposed amendment would make Claim 1 patentable at least over the cited references, however, such an amendment would probably require a further search. New independent claims 21-24 include the proposed amendment.

(2) In the Office Action, Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mohebbi in view of Chen as applied to Claim 6 and in further view of U.S. Patent 6,385,462 to Baum et al. (hereinafter "Baum").

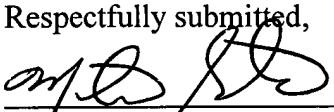
Claims 8 and 9 depend from independent Claim 6 and therefore contain the limitations of Claim 6. Hence, for at least the same reasons given for Claim 6, Claims 8 and 9

are believed to be allowable over the cited references, alone and in combination. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 8 and 9 and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-24 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-333-9607

Respectfully submitted,



Michael A. Scaturro
Reg. No. 51,356
Attorney for Applicant

Mailing Address:
Intellectual Property Counsel
Philips Electronics North America Corp.
P.O. Box 3001
345 Scarborough Road
Briarcliff Manor, New York 10510-8001